

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Emanuel Thomas Newman, Plaintiff,)	
)	Case no. 1:CV-01-0677
)	
)	
-Vs-)	(Conner, J.)
)	
Ronald L. Jury, et.al.,)	
Defendant,)	
)	

PLAINTIFF'S MOTION FOR A PRELIMINARY HEARING
PURSUANT TO FEDERAL RULES CIVIL PROCEDURE --RULE 12(d)

Comes Now, Emanuel Thomas Newman, Plaintiff, and submits the above styled motion pursuant to Fed.R.Civ.P.-Rule 12(b) for a preliminary hearing to determine if the defendants should be sanctioned for withholding discovery, and committing fraud against this court.

In support thereof, plaintiff states the following:

1). Plaintiff has made three request for the production of documents, and the defendant have failed to turn over the requested documents as provided for under the Federal Rules of Civil Procedure.

2). Defendants have admitted in reply to plaintiff's interrogatories that such records as those requested are kept in the normal coruse of business so as to keep track of all inmate movement.

3). The defendants, Jimmie White and Louis Caprio are acting in bad faith and committing fraud upon this court. Therefore, plaintiff, moves this court for a preliminary hearing pursuant to Fed.R.Civ.P.-Rule 12(d) to determine (1) if fraud has been committed upon the court by the defendants, and (2) if the defendants should be sanctioned \$100 per day, starting from plaintiff's first request for the production of documents.

Date: MARCH 3rd, 2003

Submitted by,



Emanuel T. Newman

13418-039

F.C.I. Oxford

P.O. BOX 1000

Oxford, Wis 53952-1000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Emanuel Thomas Newman,
Plaintiff,

Vs.

Ronald L. Jury, Lt, et al,
Defendants,

)
)
) Civil no. 1:CV-01-0677
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CERTIFICATE OF SERVICE

The undersigned plaintiff hereby certifies that pursuant to
28 U.S.C. § 1746, that the following is true.

That I, Emanuel Thomas Newman, have placed sufficient postage
for first class mailing to all parties/defendants via their attorney
upon whom I am serving copies of this motion for hearing on sanctions.

This 3rd day of March, 2003.

By,


Emanuel Thomas Newman
13418-039
P.O. BOX 1000
Oxford, Wis 53952-1000

Copies to:

UNITED STATES ATTORNEY
316 FEDERAL BUILDING
240 WEST THIRD STREET
WILLIAMSPORT, PA 17703

CLERK OF THE COURT
U.S. DISTRICT COURT
228 WALNUT STREET
P.O. BOX 983
HARRISBURG, Pa 17108